

Marqis Kennon
296957 / 134061-C
P.O. Box 861
Trenton, NJ 08625-0861

Currently Incarcerated

SUPERIOR COURT OF NEW JERSEY
MERCER COUNTY - CIVIL DIVISION
Docket No: L-695-22

MARQIS KENNON,

Plaintiff

vs.

STEVEN JOHNSON, Administrator;
BRUCE DAVIS, Administrator;
AMY M. EMRICH, Assistant
Superintendent;
JAMAL EL-CHEBLI, Supervisor of
Chaplaincy Services;
JAMIL HOWARD, Supervisor of
Food Services;
OCTAVIS MINGO, Asst.
Supervisor of Food Services;
and **YEHUDA SPRITZER**, Jewish
Rabbi

Defendants

CIVIL ACTION

VERIFIED COMPLAINT

COMPLAINT

(1) Plaintiff Marqis Kennon, Pro Se, is presently -
and at all times relevant to this complaint - confined at
the prison known as New Jersey State Prison, located in the

City of Trenton that is located in Mercer County, New Jersey, says that:

(2) I am over 18 years of age and am presently an inmate in the care and custody of the New Jersey Department of Corrections(hereinafter **NJDOC** or **the Department**).

(3) I submit this Complaint upon personal knowledge, in support of relief for the harm and injury incurred as a direct result of Defendants violations of the United States Constitution.

(4) Defendant Amy M. Emrich was at certain times relevant to this complaint the Assistant Superintendent at New Jersey State Prison (hereinafter **NJSP**) with oversight of the Chaplaincy Department.

(5) Defendant Jamil Howard was at certain times relevant to this complaint the Supervisor of the Regional Food Services Operation at NJSP.

(6) Defendant Octavis Mingo was at certain times relevant to this complaint Assistant Supervisor of the Regional Food Services Operation at NJSP.

(7) Defendant Steven Johnson was at certain times relevant to this complaint the Administrator at NJSP.

(8) Defendant Bruce Davis was at certain times relevant to this complaint the Administrator of NJSP.

(9) Defendant Andrew McGuire was at certain times relevant to this complaint a Protestant Chaplain at NJSP.

(10) Defendant Jamal El-Chebli was at certain times relevant to this complaint the Supervisor of the Chaplaincy Department at NJSP.

(11) Defendant Yehuda Spritzer was at certain times relevant to this complaint the Rabbi (Jewish Chaplain) at NJSP.

PREAMBLE

(12) This complaint is made after (15) years of repeated obstruction to Jewish religious access to the basic elements (also called ritualistic elements) of Jewish Religious observances by New Jersey State Prison staff, which all courts, New Jersey Statutes, regulatory law, policies and procedures recognize as rights that may not be violated; yet, the right to observe established religious obligations have in a pattern and practice been ongoing. This complaint will seek injunctive relief with compensatory and punitive damages for violations of New Jersey tort

laws, Statutes, and the New Jersey Constitution; as well as Federal Congressional Acts and Constitutional Amendments that continued year after year despite repeated, well-written complaints that sought informal resolution rather than resort to this complaint.

STATEMENT OF FACTS

(13) As a child, plaintiff had been abandoned by his mother and father before the age of 5. Because his maternal grandmother had serious health problems, Plaintiff stayed with her. He learned from his grandmother many wonderful things, not least of which was the value of Jewish tradition and the religious obligation to G-d to live a life that had great promise. However, plaintiff's grandmother died by the time he was seven. The most significant memories impressed upon his soul were those experienced learning and then practicing the religious observances from Passover to Passover.

(14) As Plaintiff grew up, he strayed from religious observance to a nadir in 2003, where he found himself in NJSP and in need of rejoining Jewish religious life, which found him involved in the Trenton Incarcerated Veterans

Group (later the prison law library) and attending Jewish Worship services at NJSP.

(15) By the time plaintiff was sent to NJSP, New Jersey Statutes and case law - in keeping with Federal case law that was itself created by Amendments to the United States Constitution, specifically the First Amendment, provided convicted prisoners in the NJDOC the right to practice Judaism, which has very strict and specific policies and procedures mandating schedules commensurate to those dates and times. All observant Jews throughout the world practice said Jewish religious observances; with some limitations to conform to a prison setting, yet in most respects the observances for those incarcerated was the same as for free persons practicing Judaism.

(16) NJSP was for 40 years a model for many prisons in the United States under the aegis of Rabbi David Lev, and his father before him, for observant Jewish men to grow spiritually through a consistent, highly-structured Jewish services program and yearly observance of Jewish religious obligations.

(17) After Rabbi Lev left NJSP in 2005, he was replaced by Rabbi Yehuda Goldenberg, until approximately 2008 when he was replaced by Rabbi Yehuda Spritzer.

(18) Food certified 'kosher' is a main tenet of a religiously observant Jew. NJSP upon the loss of Rabbi Lev, became very reduced; eventually only the barest Kosher food was allowed prisoners on the Kosher diet, which was nutritionally deficient; so plaintiff, as did other Jewish prisoners, stopped eating the kosher food provided for by NJSP, and only relied on the NJSP Administration to provide food during Passover each year where the special kosher diet foods purchased by NJDOC and provided by NJSP are certified "Kosher for Passover." Thus plaintiff was placed only on the 'Kosher for Passover' diet list that defendants in this complaint were (and are) responsible for facilitating and maintaining, or should have facilitated and maintained.

(19) Since 2005, when Plaintiff first complained of the denial of the ritualistic elements necessary to observe Passover, including Kosher for Passover meals; he has lived in the same prison (NJSP), and was placed on the permanent Kosher for Passover list. Yet, year after year plaintiff

has had his last vestige of Jewish religious observance obstructed and or denied outright.

(20) Each complaint made by inquiry and grievance, via the Inmate Remedy System, repeatedly filed by plaintiff was passed around in a circular manner by defendants year after year, where no resolution was timely (or ever) made that would actually preserve the required Passover religious mandates. At the same time defendants gave the appearance of addressing the problem, while in reality nothing was resolved or implemented to protect plaintiff's well established rights to practice the mandated Passover observances.

(21) Each defendant has repeatedly been directly informed that plaintiff was being denied mandated Kosher for Passover food year after year, but were deliberately indifferent. After responding in writing to plaintiff, defendants realized, or should have realized, that year after year plaintiff was being obstructed from Kosher for Passover food in a pattern and practice that can be plainly seen; and was known, or should have been known, to each of the defendants to have taken place. However, no defendant took any meaningful action to resolve each obstruction to

plaintiff's access to mandated Kosher for Passover foods year after year from 2006 through 2021.

(22) Plaintiff intends to present to the jury and court at trial clear incontrovertible **documentary evidence**, and other additional evidence produced by each of these defendants that will clearly establish violations of plaintiff's rights under both state and federal laws and constitutions; and will also establish that those rights were known by, and in fact violated by, these defendants year after year despite plaintiff's repeated filing of written complaints via the Inmate Remedy System.

(23) Plaintiff's filings included inquiries, grievances and appeals that all resulted in nothing being done to protect plaintiff from repeated violations of his right to practice mandated Jewish religious observances year after year. At the same times, defendants were allowing other Jewish prisoners the same religious observance access but denied that same right to plaintiff.

(24) Plaintiff has suffered year after year the pain of this continual obstruction of the most important high holidays and each Passover where plaintiff was prohibited from Kosher for Passover foods, and access to the necessary

ritualistic elements of the Passover Seder, which has caused deep, lasting, emotional pain from the loss of one of the very last freedoms that are inviolate and inalienable even in a prison setting. Plaintiff was obstructed from his reasonable and established rights the religious observance of Passover without a compelling government interest - grounded in safety or security - or reason.

(25) It appears that after years of complaints by plaintiff of being obstructed from observing Passover and other tenets of required Jewish religious observances, that these defendants each made a conscious decision not to comply with established policies and procedures to prevent future obstruction of plaintiff's Passover and other religious observances, through deliberate indifference and or intentional indifference as a direct result of order(s) instructing defendants not to develop these policies and procedures that would prevent further obstruction of plaintiff's rights to Jewish religious observance of Passover and related religious observance matters.

(26) In the world of prison life there are no areas that are not under very well-thought-out control. As that reality sinks in, it becomes very clear to intelligent,

rational human-beings that once a problem affecting a well established fundamental right to religious observance (as plaintiff has presented above) then-existing policies and procedures should have been finetuned to ameliorate a continued systemic obstruction thereof. Yet, here we find plaintiff being so obstructed year after year without a policy and procedure developed or provided at the facility level in NJSP.

(27) In the NJDOC, there are very exacting policies and procedures that are developed by extremely controlled written directives called Internal Management Procedures (AKA **IMP's**). The development, content, signatories, implementation and distribution of these IMP's are controlled by a section of NJDOC Central Office called the **APPM** Unit. Plaintiff provides this information for the purpose of the lay jury-person or Court that may not know that rules and regulations are promulgated by the NJDOC, in order to guide its employees at NJSP, for every organized activity that occurs within the NJDOC and NJSP. At trial, plaintiff will be able to have these defendants produce through subpoena and discovery mechanisms the very documents that will prove these defendants violated mandatory

policies and procedures that were established to prevent the very obstruction complained about in this complaint; whether such is determined at trial by jury to be simply negligence, or intentional misconduct.

(28) There are (14) major components that comprise religious Jewish life. Plaintiff has attached to this complaint a comprehensive document of "**The Code of Jewish Law**" -(hereinafter **CJL**)- which is a portion of a letter provided to the then-Commissioner of the NJDOC -(Devon Brown)- dated 1/12/2006, by a person who in 2006 was a prisoner in NJSP. This portion of that letter is a list of (14) major areas of religious importance to an observant Jew. This list is attached to this complaint and marked as **Exhibit "A"** and is provided for the jury and the court to use as a guide for discerning Passover religious requirements. This exhibit will also demonstrate the many religious requirements observant Jews observe; through which the plaintiff will also demonstrate that Passover observance is recognized by the defendants; that the NJDOC and NJSP is required to provide to all Jewish prisoners at NJSP who had had their names timely approved and added to the list for kosher for Passover foods; and access to the

required services for Passover worship. This list is (4) pages and is utilized herein as an exhibit as if fully typed here in this complaint.

CLAIMS

(29) Plaintiff alleges, re-alleges and incorporates by reference paragraphs (1) through (28) as if fully stated as to the facts that support the following claims grounded in United States Constitution, United States Statutes; and the New Jersey Constitution, the New Jersey Civil Rights Act, New Jersey Statutes, New Jersey Regulatory Laws and the Code of Jewish Law ("CJL") violations:

COUNT 1

(30) The First Amendment of the U.S. Constitution, through the Fourteenth Amendment, in preventing the observance of mandatory Jewish religious worship and preventing equal protection of the law, both state and federal, that are laws created to protect the free exercise of religion, and protecting plaintiff from the failure to protect plaintiff from defendants' obstruction of those religious rights which are allowed to some persons in plaintiff's

class (Jewish congregation) in prison to receive religious worship in a meaningful manner while withholding meaningful religious worship in a meaningful manner from plaintiff.

COUNT 2

(31) Defendants have violated the Religious Land Use and Institutionalized Persons Act (**RLUIPA**), 42 U.S.C. §§ 2000bb-2(4).

COUNT 3

(32) Under the New Jersey Tort Claims Act (**Title 59**) and common law torts causes of action exist for failure to protect plaintiff's rights to religious observance through deliberate indifference and or negligence.

COUNT 4

(33) Supplemental Jurisdiction under the common law tort of negligence in denial of full enjoyment of access to Passover religious mandates by failing to ensure that plaintiff was properly provided with kosher for Passover foods by the negligent failure to act as required by established law.

COUNT 5

(34) New Jersey Constitution prohibiting religious discrimination.

COUNT 6

(35) New Jersey Civil Rights Law that prohibits religious discrimination and the free exercise of religion.

REQUESTED RELIEF

(36) Monetary damages in the amount of \$8,000 each defendant.

(37) Compensatory damages in the amount of \$8,000 each defendant.

(38) Punitive damages in the amount of \$18,000 each defendant.

(39) Injunctive relief to assure Kosher for Passover food and all ritualistic elements for Passover Seder is provided each year going forward, starting at once.

(40) Fees and costs.

(41) Attorney fees.

(42) Appointment of a Special Master.

(43) Any other relief this Court deems just and appropriate.

CERTIFICATION

(44) Marqis Kennon, Pro Se, hereby certifies pursuant to 28 U.S.C. 1746, that he has read the foregoing (15 page) (43 paragraph) complaint and knows it's content to be true and correct.

JURY DEMAND

Plaintiff hereby respectfully demands a jury trial.


4/6/2022

Dated

Marqis Kennon

Marqis Kennon,
Plaintiff pro-se

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY	
	Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed		PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA CHG/CK NO.: _____ AMOUNT: _____ OVERPAYMENT: _____ BATCH NUMBER: _____	
	1. ATTORNEY / PRO SE NAME MARGIS KENNON		2. TELEPHONE NUMBER _____	
	3. COUNTY OF VENUE MERCER		4. FIRM NAME (if applicable) _____	
5. DOCKET NUMBER (when available) _____		6. OFFICE ADDRESS MARGIS KENNON #296957 / 1340W-C P.O. Box 861 TRENTON, NJ 08625-0861		7. DOCUMENT TYPE COMPLAINT
8. JURY DEMAND <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		9. NAME OF PARTY (e.g., John Doe, Plaintiff) MARGIS KENNON, PLAINTIFF		
10. CAPTION _____			11. CASE TYPE NUMBER (See reverse side for listing) 005	
12. HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		13. IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
14. RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		15. IF YES, LIST DOCKET NUMBERS _____		
16. DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		17. NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN		
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.				
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION				
18. DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS		
19. DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input type="checkbox"/> NO				
20. USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION				
21. Do you or your client need any disability accommodations? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION _____		
22. Will an interpreter be needed? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, FOR WHAT LANGUAGE? _____		
23. I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .				
24. ATTORNEY SIGNATURE: Margis Kennon - pro se 4/6/2022				